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3 July 2014

Sent via fax (1-819-953-0279) and e-mail (Minister@ec.gc.ca)

The Honourable Leona Aglukkaq
Minister of Environment
10 Wellington Street, 28th Floor
Gatineau, Quebec K1A 0H3

Dear Minister Aglukkaq,

Re: Final Recovery Strategy for Southern Mountain Caribou

We write on behalf of the Western Canada Wilderness Committee, Wildsight, Conservation Northwest, David Suzuki Foundation and, the Sierra Club of British Columbia with respect to the *Recovery Strategy for the Woodland Caribou, Southern Mountain Population* (*Rangifer tarandus caribou*) in Canada, posted to the species at risk public registry on 3 June 2014 (the "Final Recovery Strategy" – the southern mountain population of woodland caribou will be referred to as "Southern Mountain Caribou").

The proposed recovery strategy and Final Recovery Strategy were posted more than six years after the statutory deadline set out in the *Species at Risk Act* ("SARA"). Further, as you know, in May 2014 COSEWIC assessed Southern Mountain Caribou as "endangered" (the species is currently SARA-listed as "threatened"). The condition of Southern Mountain Caribou and of its habitat have declined steadily in recent years. All of this increases the urgency of dealing with the root causes of the species' ongoing decline, including especially the loss or degradation of the habitat necessary for the species' survival and recovery.

You have a duty under s. 41(1)(c) of the *Species at Risk Act* ("SARA") to include in a recovery strategy for Southern Mountain Caribou an identification of the species' critical habitat, to the extent possible and based on the best available information. The Federal Courts have confirmed in several judgments that this sub-section of SARA imposes a duty on competent ministers to identify as much critical habitat as possible, in accordance with the best scientific information available at the time.

s.19(1)

The Final Recovery Strategy for Southern Mountain Caribou includes a partial identification of critical habitat; it does not, however, explain why certain areas of critical habitat were identified within Southern Mountain Caribou ranges and why other areas within those ranges were not. While the inclusion of critical habitat maps is a significant improvement on the proposed recovery strategy for Southern Mountain Caribou, the method used to identify critical habitat seems arbitrary. In our view, the current maps of critical habitat in the Final Recovery Strategy are not a scientifically-defensible identification of that habitat to the extent possible and based on the best available information.

Page 49 of the Final Recovery Strategy sets out a schedule of studies required to complete the identification of critical habitat for Southern Mountain Caribou, with a commitment to completing mapping of habitat in all relevant ranges by the end of 2014.

Our clients look forward to seeing improved critical habitat maps in an amended recovery strategy by the deadline imposed in the Final Recovery Strategy (namely by the end of 2014); if this is not done by 31 December 2014, they reserve their right to challenge the Final Recovery Strategy or your failure or refusal to amend the Final Recovery Strategy to include a full and SARA-compliant identification of Southern Mountain Caribou critical habitat.

We hope and trust that a court challenge will not be necessary. We and our clients look forward to working with Environment Canada to begin implementing recovery actions for Southern Mountain Caribou as soon as possible.

Yours truly,

Sean Nixon
Staff Lawyer

cc. Attorney General of Canada

Mr. Sean Nixon
Staff Lawyer
EcoJustice
214-131 Water Street
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Dear Mr. Nixon:

Thank you for your letter of July 3rd, 2014, written on behalf of your clients and with respect to the final recovery strategy for the Woodland Caribou, Southern Mountain Population (southern mountain caribou).

You are correct that critical habitat for the southern mountain caribou is partially identified in the recovery strategy, and that the document includes maps of some of that habitat. A schedule of studies is included in the recovery strategy to complete the identification, and the maps will be updated as new information is gathered and processed.

As you can appreciate, the amount of mapping of any range type, as described in the schedule of studies, is contingent on the existence and availability of the required data, and the subsequent identification and mapping of critical habitat for this species is technically complex.

This process must also respect requirements for cooperation and consultation with Aboriginal peoples, the provincial government, and others.

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If you have any questions on the details of the work that is being undertaken on the schedule of studies or the status of our efforts, I encourage you to contact Mr. Stephen Hureau of Environment Canada at *Caribou.Recovery.PYR@ec.gc.ca*.

Sincerely,

The Honourable Leona Aglukkaq, P.C., M.P.
Minister of the Environment

ATI Request submission / Requête de demande AI #56112

Open Government <OG.donotreply-nepasrepondre.GO@open-ouvert.canada.ca>

Sun 2019-02-17 6:36 PM

To: Andre Sponder <AndreSponder@cmail.carleton.ca>;

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<p>Submitted on Sun, 02/17/2019 - 23:36</p>

<p>Submitted by: Anonymous</p>

<p>Submitted values are:</p>

Organization

Environment and Climate Change Canada

Year

2018

Month

12

Request Number

A-2015-01857

Request Summary

Records regarding civil suits due to improperly implementing provisions under the Species at Risk Act between 2011 and 2015.

Disposition

Disclosed in part

Number of Pages

255

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Requestor Category

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